

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

CHRISTOPHER BLOOD, WENDY
BLOOD, JEFF BROCKMEYER, ANN
BROCKMEYER, DEAN DAUBER,
TANYA DAUBER, SUE KOHL,
Individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

GIVAUDAN FLAVORS CORPORATION,
FIRMENICH INCORPORATED, and
SYMRISE, INC.,

Defendants.

No. C07-142-MWB

ORDER

The defendant Symrise, Inc. has filed a motion to strike the plaintiff's 118 requests for admissions served on Symrise on April 15, 2009. Doc. No. 130. The defendants Givaudan Flavors Corporation and Firmenich Incorporated have joined in the motion. Doc. Nos. 133 & 134. The plaintiffs resist the motion. Doc. No. 146. The court originally ordered that discovery in this case had to be completed by March 16, 2009. Doc. No. 32. On February 27, 2009, the court extended the deadline for completion of discovery to April 17, 2009, pursuant to the parties' stipulation. Doc. No. 80. The plaintiffs did not seek a further extension of the deadline, or leave of court to serve requests for admissions that would require responses to be served after the discovery deadline. They argue their requests for admissions were "timely as critical discovery is ongoing." Doc. No. 146, p. 2. Their argument misses the point.

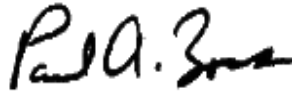
The plaintiffs' service of requests for admissions two days before discovery was to be completed in the case violates the scheduling order. *See Bialas v. Greyhound Lines*,

Inc., 59 F.3d 759, 764 (8th Cir. 1994) (citing *Geiserman v. MacDonald*, 893 F.2d 787, 792 (5th Cir. 1990) (“Adherence to reasonable deadlines is critical to restoring integrity in court proceedings. We will not lightly disturb a court’s enforcement of those deadlines. . . .”)); *see also Bailey v. Komatsu Forklift, U.S.A., Inc.*, 2008 WL 2674886 (N.D. Iowa 2008) (Scoles, M.J.) (court order establishing discovery deadline requires that discovery requests be served “sufficiently in advance of the deadline, such that the responses are due by the deadline for completion of discovery”).

The defendant’s motion is **granted**. The plaintiffs’ requests for admissions served April 15, 2009, are stricken, and the defendant need not make any response to the requests.

IT IS SO ORDERED.

DATED this 15th day of May, 2009.



PAUL A. ZOSS
CHIEF MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT